

ASSEMBLY BILL

No. 1964

Introduced by Assembly Member Torres

February 17, 2010

An act to amend Sections 18400.1, 18424, and 18502 of the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1964, as introduced, Torres. Mobilehome Parks Act.

Existing law, the Mobilehome Parks Act, requires the Department of Housing and Community Development to enact and enforce rules and regulations to protect public health and safety in mobilehome parks. The act prescribes requirements and procedures relating to the inspection of mobilehome parks, the issuance of notices to correct a violation of the act, and the payment of various renewal, registration, and operating fees. These provisions are repealed on January 1, 2012. Violation of the act is a misdemeanor.

This bill would instead extend these provisions until January 1, 2019, continuation of the misdemeanor provisions would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18400.1 of the Health and Safety Code
2 is amended to read:

3 18400.1. (a) In accordance with subdivision (b), the
4 enforcement agency shall enter and inspect mobilehome parks, as
5 required under this part, with a goal of inspecting at least 5 percent
6 of the parks per year, to ensure enforcement of this part and the
7 regulations adopted pursuant to this part. The enforcement agency's
8 inspection shall include an inspection of the exterior portions of
9 individual manufactured homes and mobilehomes in each park
10 inspected. Any notices of violation of this part shall be issued
11 pursuant to Chapter 3.5 (commencing with Section 18420).

12 (b) In developing its mobilehome park maintenance inspection
13 program, the enforcement agency shall inspect the mobilehome
14 parks that the enforcement agency determines have complaints
15 that have been made to the enforcement agency regarding serious
16 health and safety violations in the park. A single complaint of a
17 serious health and safety violation shall not automatically trigger
18 an inspection of the entire park unless upon investigation of that
19 single complaint the enforcement agency determines that there is
20 a violation and that an inspection of the entire park is necessary.

21 (c) This part does not allow the enforcement agency to issue a
22 notice for a violation of existing laws or regulations that were not
23 violations of the laws or regulations at the time the mobilehome
24 park received its original permit to operate, or the standards
25 governing any subsequent permit to construct, or at the time the
26 manufactured home or mobilehome received its original installation
27 permit, unless the enforcement agency determines that a condition
28 of the park, manufactured home, or mobilehome endangers the
29 life, limb, health, or safety of the public or occupants thereof.

30 (d) Not less than 30 days prior to the inspection of a mobilehome
31 park under this section, the enforcement agency shall provide
32 individual written notice of the inspection to the registered owners
33 of the manufactured homes or mobilehomes, with a copy of the
34 notice to the occupants thereof, if different than the registered
35 owners, and to the owner or operator of the mobilehome park and
36 the responsible person, as defined in Section 18603.

37 (e) At the sole discretion of the enforcement agency's inspector,
38 a representative of either the park operator or the mobilehome

1 owners may accompany the inspector during the inspection if that
2 request is made to the enforcement agency or the inspector requests
3 a representative to accompany him or her. If either party requests
4 permission to accompany the inspector or is requested by the
5 inspector to accompany him or her, the other party shall also be
6 given the opportunity, with reasonable notice, to accompany the
7 inspector. Only one representative of the park owner and one
8 representative of the mobilehome owners in the park may
9 accompany the inspector at any one time during the inspection. If
10 more than one representative of the mobilehome owners in the
11 park requests permission to accompany the inspector, the
12 enforcement agency may adopt procedures for choosing that
13 representative.

14 (f) The enforcement agency shall coordinate a preinspection
15 orientation for mobilehome owners and mobilehome park operators
16 with the use of an audiovisual presentation furnished by the
17 department to affected local enforcement agencies. Enforcement
18 agencies shall furnish the audiovisual presentation to park operators
19 and mobilehome owner representatives in each park subject to
20 inspection not less than 30 days prior to the inspection.
21 Additionally, it is the Legislature's intent that the department shall,
22 where practicable, conduct live presentations, forums, and outreach
23 programs throughout the state to orient mobilehome owners and
24 park operators on the mobilehome park maintenance inspection
25 program and their rights and obligations under the program.

26 (g) This section shall remain in effect only until January 1, ~~2012~~
27 ~~2019~~, and as of that date is repealed, unless a later enacted statute,
28 that is enacted before January 1, ~~2012~~ ~~2019~~, deletes or extends
29 that date.

30 SEC. 2. Section 18424 of the Health and Safety Code is
31 amended to read:

32 18424. This chapter shall remain in effect only until January
33 ~~1-2012~~ ~~2019~~, and as of that date is repealed, unless a later enacted
34 statute, that is enacted before January 1, ~~2012~~ ~~2019~~, deletes or
35 extends that date.

36 SEC. 3. Section 18502 of the Health and Safety Code, as added
37 by Section 8 of Chapter 341 of the Statutes of 2009, is amended
38 to read:

39 18502. Fees as applicable shall be submitted for permits, as
40 follows:

1 (a) Fees for a permit to conduct any construction subject to this
2 part as determined by the schedule of fees adopted by the
3 department.

4 (b) Plan checking fees equal to one-half of the construction,
5 plumbing, mechanical, and electrical permit fees, except that the
6 minimum fee shall be ten dollars (\$10).

7 (c) (1) An annual operating permit fee of one hundred forty
8 dollars (\$140) and an additional seven dollars (\$7) per lot.

9 (2) An additional annual fee of four dollars (\$4) per lot shall be
10 paid to the department or the local enforcement agency, as
11 appropriate, at the time of payment of the annual operating fee.
12 All revenues derived from this fee shall be used exclusively for
13 the inspection of mobilehome parks and mobilehomes to determine
14 compliance with the Mobilehome Parks Act (Part 2.1 (commencing
15 with Section 18200)) and any regulations adopted pursuant to the
16 act.

17 (3) The Legislature hereby finds and declares that the health
18 and safety of mobilehome park occupants are matters of public
19 interest and concern and that the fee paid pursuant to paragraph
20 (2) shall be used exclusively for the inspection of mobilehome
21 parks and mobilehomes to ensure that the living conditions of
22 mobilehome park occupants meet the health and safety standards
23 of this part and the regulations adopted pursuant thereto. Therefore,
24 notwithstanding any other law or local ordinance, rule, regulation,
25 or initiative measure to the contrary, the holder of the permit to
26 operate the mobilehome park shall be entitled to directly charge
27 one-half of the per lot additional annual fee specified herein to
28 each homeowner, as defined in Section 798.9 of the Civil Code.
29 In that event, the holder of the permit to operate the mobilehome
30 park shall be entitled to directly charge each homeowner for
31 one-half of the per lot additional annual fee at the next billing for
32 the rent and other charges immediately following the payment of
33 the additional fee to the department or local enforcement agency.

34 (d) Change in name fee or transfer of ownership or possession
35 fee of ten dollars (\$10).

36 (e) Duplicate permit fee or amended permit fee of ten dollars
37 (\$10).

38 (f) This section shall remain in effect only until January 1, ~~2012~~
39 ~~2019~~, and as of that date is repealed, unless a later enacted statute,

1 that is enacted before January 1, ~~2012~~ 2019, deletes or extends
2 that date.

3 SEC. 4. Section 18502 of the Health and Safety Code, as added
4 by Section 10 of Chapter 341 of the Statutes of 2009, is amended
5 to read:

6 18502. Fees as applicable shall be submitted for permits, as
7 follows:

8 (a) Fees for a permit to conduct any construction subject to this
9 part as determined by the schedule of fees adopted by the
10 department.

11 (b) Plan checking fees equal to one-half of the construction,
12 plumbing, mechanical, and electrical permit fees, except that the
13 minimum fee shall be ten dollars (\$10).

14 (c) An annual operating permit fee of one hundred forty dollars
15 (\$140) and an additional seven dollars (\$7) per lot.

16 (d) Change in name fee or transfer of ownership or possession
17 fee of ten dollars (\$10).

18 (e) Duplicate permit fee or amended permit fee of ten dollars
19 (\$10).

20 (f) This section shall become operative on January 1, ~~2012~~ 2019.

21 SEC. 5. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.